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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,712	11/08/2001	Richard A. Morris	020431.1081	4170

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EXAMINER	
FERNANDEZ RIVAS, OMAR F	
ART UNIT	**PAPER NUMBER**
2129	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/035,712	MORRIS ET AL.	
	Examiner	Art Unit	
	Omar F. Fernández Rivas	2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-11,13-21 and 23-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-11,13-21 and 23-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to an RCE filed on October 23, 2006.

2. The Office Actions of July 28, 2004, January 4, 2005, July 14, 2005, February 23, 2006 and July 26, 2006 are fully incorporated into this Non-Final Office Action by reference.

Status of Claims

3. Claims 2, 13 and 23 have been amended. Claims 2-11, 13-21 and 23-31 are pending on this application.

Claim Objections

4. Claims 1, 13 and 23 objected to because of the following informalities: claim 1, lines 17 and 19 recite the word "users" which should be replaced with "user's". Claim 13, lines 17 and 19 recite the word "users" which should be replaced with "user's". Claim 23, lines 17 and 19 recite the word "users" which should be replaced with "user's". Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2-11, 13-21 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al in view of Schumacher et al. (US Patent #6,587,969, referred to as **Weinberg**; US Patent #6,532,023, referred to as **Schumacher**).

Claims 2, 13 and 23

Weinberg teaches a method, a system and software for reproducing a selection of members in a hierarchy, the method performed using a computer system comprising one or more processing units and one or more memory units (**Weinberg**: Abstract, L6-15; C2, L32-56; Figs. 3A, 3B, 4B and 4D; Examiner's Note (EN): a tree is a hierarchy, nodes are members of the tree. Playing back the recorded user's steps is reproducing the selection of members in the hierarchy), the method comprising: providing a member selection interface to a user, the member selection interface capable of providing the user with the ability to navigate through a hierarchy of members (**Weinberg**: Abstract, L6-15; C2, L32-56; C5, L52-59; C26, L4-19; Figs. 3A, 3B, 4B and 4D; EN: displaying the test as a tree having nodes (members) is providing a member selection interface. Editing nodes (members) on the tree is navigating through the hierarchy of members); receiving input of a user from a member selection interface (**Weinberg**: Abstract, L8-15; C2, L41-56; C5, L52-59; C26, L4-19); determining a sequence of one or more actions associated with a member selection tree, the actions collectively selecting one or more members from a hierarchy of members, the hierarchy of members being associated with a particular dimension of an organization of data (**Weinberg**: Abstract; C2, L41-56, C3, L11-36; C11, L34-45; Figs. 2, 3B, 4B, 4D; EN: selecting nodes (members) that

correspond to a particular field or object (dimension of an organization of data). A particular server screen is also a dimension of an organization of data. Recording the series of user's steps (actions) is determining a sequence of actions associated with the tree).

Weinberg does not teach recording the sequence of actions of the user in a member selection script, the member selection script including a hierarchy selection command for determining the sequence of actions to be recorded; and executing the recorded member selection script, after the hierarchy of members has been modified, to reproduce the users original input to the member selection interface, based upon the members and hierarchical relationships of the users original inputs from the member selection interface.

Schumacker teaches recording the sequence of actions of the user in a member selection script, the member selection script including a hierarchy selection command for determining the sequence of actions to be recorded (**Schumacher**: abstract; C1, L47-53; C2, L12-29; C4, L10-67; C6, L11-35; Fig. 9; EN: the automator events listeners will provide the commands to record the user's interactions (sequence of actions). The automator queue is a script as understood from page 16, lines 21-23 of the specification of the present application); and executing the recorded member selection script, after the hierarchy of members has been modified, to reproduce the users original input to the member selection interface, based upon the members and hierarchical relationships of the users original inputs from the member selection interface (**Schumacher**: abstract; C2, L12-60; C5, L20-57; C7, L6 to C8, L5; EN: emulating the original user's interaction

sequence (user's original inputs) from the queued event objects (script). The constructed event object will provide the hierarchical relationships of the user's inputs).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Weinberg by incorporating recording the sequence of actions of the user in a member selection script, the member selection script including a hierarchy selection command for determining the sequence of actions to be recorded; and executing the recorded member selection script, after the hierarchy of members has been modified, to reproduce the users original input to the member selection interface, based upon the members and hierarchical relationships of the users original inputs from the member selection interface as taught by Schumacher for the purpose of having a system that can save the user time since it can recreate the user's interactions and provide results without requiring the user's input each time the system is used.

Claims 3, 14 and 24

Weinberg teaches one or more of the actions comprise selecting the dimension from which members are to be selected, the dimension selected from the group consisting of a product dimension, a geography dimension, and a time dimension (**Weinberg**: Abstract, L12-15; C3, L11-36; C11, L34-45; Figs. 2, 3B, 4B, 4D; EN: selecting the screen objects or fields is selecting the dimensions).

Claims 4, 15 and 25

Weinberg teaches one or more of the actions comprise selecting the hierarchy from which members are to be selected (**Weinberg**: Abstract, L12-15; C3, L11-36; C11, L34-45; Figs. 2, 3B, 4B, 4D; EN: selecting the screen objects or fields is selecting the hierarchy).

Claims 5, 16 and 26

Weinberg teaches selecting or deselecting one or more levels of the hierarchy from which members are to be selected, the members being selectable only from selected levels (**Weinberg**: C3, L14-20; C9, L7-16; C17, L1-26 Figs. 2, 3A, 3B, 4B, 4D, 5D, 5F; EN: nodes on a tree can only be selected in levels depending on their location in the hierarchy).

Claims 6, 17, and 27

Weinberg teaches expanding a member to view the children of the member; and the selection of an expanded member causing only the selection of the expanded member (**Weinberg**: C9, L1-16; C17, L1-26; Figs. 3A, 3B, 4B, 4D, 5E).

Claims 7, 18 and 28

Weinberg teaches collapsing a member to hide the children of the member; and the selection of a collapsed member causing the selection of the expanded member and the children of the expanded member (**Weinberg**: C9, L1-16; C17, L1-26; Figs. 3A, 3B, 4B, 4D, 5E).

Claims 8, 19 and 29

Weinberg teaches selecting or deselecting one or more members from the hierarchy (**Weinberg**: Abstract, L12-15; C3, L11-23; C9, L1-16; C17, L1-26; Figs. 3A, 3B, 4B, 4D, 5E).

Claims 9, 20 and 30

Weinberg teaches the one or more actions are recorded in the member selection script using one or more commands, the commands and one or more parameters associated with each command identifying the one or more actions (**Weinberg**: Abstract, L1-3; C2, L23-56; C21, L22-65; Figs. 6A, 6B, 6C).

Claim 10

Weinberg teaches the user manually generates the member selection script (**Weinberg**: Abstract, L1-3; C2, L23-56; C5, L27-31; C25, L20-49; Fig. 1; EN: if the user is making selections, he is manually generating the script or protocol to follow).

Claims 11, 21 and 31

Weinberg teaches the member selection script is automatically generated based on input received from the user using a member selection interface (**Weinberg**: C21, L22-67, C22, L 1-36; Figs. 6A, 6B, 6C).

Response to Applicant's arguments

5. The Applicant's arguments have been fully considered but are not persuasive.

In reference to Applicant's arguments:

The Applicants respectfully maintain that Weinberg fails to disclose, teach, or suggest amended independent Claim 2 limitations regarding a "computer-implemented

method for selecting members in a hierarchy' and in particular Weinberg fails to disclose, teach, or suggest amended independent Claim 2 limitations regarding "receiving input of a user from a member selection interface". In particular, the Examiner equates "receiving input of a user from a member selection interface" recited in amended independent Claim 2 with "the user interface" disclosed in Weinberg. (26 July 2006 Office Action, Pages 2-3). However, the user interface disclosed in Weinberg is merely a user interface of a testing tool that allows the user to define verification steps to automatically test for expected server responses during test execution, and does not include, involve, or even relate to a member selection interface, as recited in amended independent Claim 2. (Abstract). In contrast, the "member selection interface" recited in amended independent Claim 2 provides a user with the ability to navigate through a hierarchy of members and select particular members the user desires for a particular function. Thus, the Applicants respectfully submit that the equations forming the foundation of the Examiner's comparison between Weinberg and amended independent Claim 2 cannot be made. The Applicants further respectfully submit that these distinctions alone are sufficient to patentably distinguish amended independent Claim 2 from Weinberg.

Examiner's response:

The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. As stated in the rejection above, the user is presented with the test as a tree having nodes (the member selection interface). The tree displayed is the member selection interface and the nodes are the members that the user can edit (select). The Applicant's attention is directed to page 15, L3-17 of the specification of the present application, where it describes trees, nodes and members of a hierarchy. Moreover, Fig. 4 of the present application provides an example of the member selection interface, which is similar to that of Figs. 3A, 3B, 4B and 4D of Weinberg.

In reference to Applicant's arguments:

The Applicants further respectfully maintain that Weinberg fails to disclose, teach, or suggest amended independent Claim 2 limitations regarding "determining a sequence of one or more actions associated with a member selection tree, the actions collectively selecting one or more members from a hierarchy of members, the hierarchy of members being associated with a particular dimension of an organization of data". In particular, the Examiner equates "the hierarchy of members being associated with a particular dimension of an organization of data" recited in amended independent Claim 2 with the server screen disclosed in Weinberg. (26 July 2006 Office Action, Page 3). However, the server screen disclosed in Weinberg is merely a separate window that is displayed to the user and has nothing to do with a particular dimension of an organization of data, as recited in amended independent Claim 2. (Column 3, Lines 11-36). In contrast, "the hierarchy of members being associated with a particular dimension of an organization of data" recited in amended independent Claim 2 allows a user to select a particular data dimension from which members are to be selected and may include, but is not limited to, a product dimension, a geography dimension, and a time dimension. Thus, the Applicants respectfully submit that the equations forming the foundation of the Examiner's comparison between Weinberg and amended independent Claim 2 cannot be made. The Applicants further respectfully submit that these distinctions alone are sufficient to patentably distinguish amended independent Claim 2 from Weinberg.

Examiner's response:

The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. As stated in the rejection above, the Examiner considers that if the user is selecting nodes (members) that correspond to a **particular field or object,** then he is selecting from a particular dimension of data. Moreover, each particular server screen can be considered a particular dimension of data, since each screen will display a different set of objects depending on the test.

In reference to Applicant's arguments:

The Applicants respectfully submit that Weinberg fails to disclose, teach, or suggest amended independent Claim 2 limitations regarding "recording the sequence of actions of the user in a member selection script, the member selection script including a hierarchy selection command for determining the sequence of actions to be recorded'. Rather, Weinberg discloses a testing tool for testing the functionality of a transactional server where a recorder module merely records a series of user steps. (Abstract, Figures 6A-6C). The testing tool in Weinberg merely displays these recorded user steps to allow for verifcation of expected server responses and fails to disclose, teach or even hint at recording the sequence of actions, as recited in Applicants claims. (Abstract). In fact, Weinberg teaches away from the claimed invention because the recorder module of Weinberg merely records the particular members that the user selects, i.e. business process steps. (Figures 6A-6C). Thus, Weinberg cannot provide for "recording the sequence of actions of the user in a member selection script, the member selection script including a hierarchy selection command for determining the sequence of actions to be recorded', since Weinberg does not teach, suggest, or even hint at recording the sequence of events (actions) that the user went through to determine the members that are selected.

In addition, the Examiner equates "recording the sequence of actions of the user in a member selection script, the member selection script including a hierarchy selection command for determining the sequence of actions to be recorded' recited in amended independent Claim 2 with storing the user steps in memory disclosed in Weinberg. (26 July 2006 Office Action, Page 3). However, storing the user steps in memory disclosed in Weinberg is merely for recording the particular members that the user selects and has nothing to do with recording the sequence of actions of the user, as recited in Applicants claims. (Figures 6A-6C). In contrast, "recording the sequence of actions of the user in a member selection script, the member selection script including a hierarchy selection command for determining the sequence of actions to be recorded' recited in amended independent Claim 2 is based on the sequence of events that the user went though to determine the members that were selected. Thus, the Applicants respectfully submit that the equations forming the foundation of the Examiner's comparison between Weinberg and amended independent Claim 2 cannot be made. The Applicants further respectfully submit that these distinctions alone are sufficient to patentably distinguish amended independent Claim 2 from Weinberg.

The Applicants further respectfully maintain that Weinberg fails to disclose, teach, or suggest amended independent Claim 2 limitations regarding "executing the recorded member selection script to generate a new selection of members based upon the members and hierarchical relationships of the users original inputs, after the hierarchy of members has been modified". Rather, Weinberg discloses creating a test script when the recorder module records the particular members that the user selects. (Figures 6A6C). Weinberg merely discloses a hard coded set of members used to perform a particular business process which may become out of date and have to be recreated when members of Weinberg's hierarchical dimension are added or deleted.

Weinberg does not disclose, teach, or suggest executing this sequence of events (actions) once the hierarchy is modified and thereafter produce a new selection of members that satisfies the user's original intent. Thus, Weinberg cannot provide for "executing the recorded member selection script to generate a new selection of members based upon the members and hierarchical relationships of the users original inputs, after the hierarchy of members has been modified', since Weinberg does not even provide for (1) recording the sequence of events (actions) that the user went through to determine the members that are selected; or (2) executing this sequence of events (actions) once the hierarchy is modified and thereafter produce a new selection of members that satisfies the user's original intent.

In addition, the Examiner equates "after the hierarchy of members has been modified' recited in amended independent Claim 2 with modifying nodes disclosed in Weinberg. (26 July 2006 Office Action, Page 3). However, modifying nodes disclosed in Weinberg is merely provided for editing properties of the nodes to modify the test and has nothing to do with after the hierarchy of members has been modified. (Column 25, Lines 20-49). In contrast, "after the hierarchy of members has been modified" recited in amended independent Claim 2 is related to recreating the desired member selections when the underlying hierarchical structures change. Thus, the Applicants respectfully submit that the equations forming the foundation of the Examiner's comparison between Weinberg and amended independent Claim 2 cannot be made. The Applicants further respectfully submit that these distinctions alone are sufficient to patentably distinguish amended independent Claim 2 from Weinberg.

Examiner's response:

These arguments are moot in view of new grounds of rejection. These limitations have been rejected by the combination of Weinberg and Shumacher as set forth above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneider et al. US Patent #6,016,553

Brown et al. US Patent #6,812,941

Baquero US Patent #6,724,402

7. Claims 2-11, 13-21 and 23-31 are rejected.

Correspondence Information

8. Any inquires concerning this communication or earlier communications from the examiner should be directed to Omar F. Fernández Rivas, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-2589 or email omar.fernandezrivas@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Omar F. Fernández Rivas
Patent Examiner
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Tuesday, December 05, 2006

OFR

12/11/06
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SUPERVISORY PATENT EXAMINER